

HONORABLE JOHN C. COUGHENOUR
HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES MOSELEY,

Plaintiff,

v.

STATE OF WASHINGTON; *et al.*,

Defendants.

NO. C20-1311-JCC-MLP

STIPULATED MOTION FOR RELIEF
FROM DEADLINES WITH
PROPOSED ORDER

NOTE FOR HEARING: 3/17/2021

The parties, by and through counsel, stipulate to and jointly request the relief set forth herein.

RELIEF REQUESTED

Plaintiff and Defendants, by and through their respective counsel of record, request relief from deadlines established by the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement. (Dkt. #11, "Order"). Specifically, the parties request the Court continue the following deadlines to the following proposed dates, a continuance of 21 days:

<u>Event</u>	<u>Date</u>	<u>Proposed Date</u>
Deadline for Fed. R. Civ. P. 26(f) conference	3/16/2021	4/6/2021
Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)	3/30/2021	4/20/2021
Combined Joint Status Report and Discovery Plan	4/6/2021	4/27/2021

STATEMENT OF FACTS

The parties have been in communication since receiving the Court's Order. However, counsel for Defendants has been consumed with trial preparations for an upcoming trial *Kleutsch v. Department of Corrections* in King County Superior Court. That trial, which will be conducted via Zoom, is scheduled to begin on March 15, 2021, and to last ten days.

Accordingly, the parties jointly request a continuance of the dates established in the Court's Order to account for the trial named above and for review of the facts underlying the present lawsuit.

ISSUE PRESENTED

Should the Court grant a brief continuance of the deadlines for the Fed. R. Civ. P. 26(f) conference, initial disclosures, and the combined joint status report and discovery plan under circumstances in which the parties are jointly requesting the continuance and the continuance will not affect any other dates because no other dates have yet been established by the Court?

ARGUMENT AND AUTHORITIES

Trial preparation is a common occurrence in litigation, but trial preparation for a fully remote jury trial is not common. Preparing for a fully remote jury trial necessitates coordination of numerous attorneys and staff, all of whom are working remotely, as well as technological planning and exhibit preparation. Unlike an in-person trial, nothing can be handled on the "morning of" because there is no opportunity for the trial team to be together in person. The resource and time demands are simply increased in every aspect.

The parties to the present case jointly recognize this unique scenario and agree a modest continuance is appropriate. This case is in its infancy, and both parties understand that the initial case conference, disclosures, and joint status report will benefit if counsel for Plaintiff and Defendant are able to give the matters their full attention. Thus, the parties are asking the court for a reasonable extension of deadlines of three weeks to provide an opportunity for meaningful engagement free from time conflicts.

The parties recognize the Court's discretion to grant or deny their request; however, they submit that the pandemic and its wide-ranging effects on society at large and on civil litigation specifically amount to good cause for a brief continuance.

CONCLUSION

For the reasons set forth herein, the parties jointly request the Court briefly continue the deadlines for discovery, dispositive motions, and mediation.

DATED this 17th day of March, 2021.

CIVIL RIGHTS JUSTICE CENTER, PLLC

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ORDER

IT IS SO ORDERED.

The following deadlines established by the Court's Order Setting Pretrial Schedule are amended as follows:

Deadline for Fed. R. Civ. P. 26(f) conference	4/6/2021
Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)	4/20/2021
Combined Joint Status Report and Discovery Plan	4/27/2021

DATED THIS 17th day of March, 2021.



MICHELLE L. PETERSON
United States Magistrate Judge